

MT LEGISLATIVE HISTORY

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Chapter 375 1985

Bill H. 457 S. _____

Original bill & hist. ____C

H. Committee on Loc. Gov't. 1/24 S. Committee on Loc. Gov't. 2/14

Hearing Date(s) 2/09 ____C

Hearing Date(s) 3/23 ____C

2/11 ____C

3/25 ____C

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Date Out ____C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

note, but he did not feel this fiscal note should dominate the committee's way of voting. He urged adoption of this bill, as we are constantly passing new laws.

DISCUSSION OF HOUSE BILL NO. 614: Rep. Poff asked Rep. Brown how the assessor's salary compares with the local officials. Rep. Brown said he was not sure he could answer this one. Mr. Scully said there was a query made by one of the representatives if they would be willing to go on the state pay plan. The assessor's pay is below the state pay plan. They are under the department of revenue.

Rep. Sales asked Sheriff Onstad how long he had been sheriff of Gallatin county, and he answered ten years. He was asked what his salary is now, and it is \$23,000 per year. Rep. Sales then asked him what it was ten years ago, and Sheriff Onstad said he didn't remember. Rep. Sales asked how much his salary increased in the last year and the answer was 2.3%.

Rep. Sands asked Mr. Scully how the inflation indexing works. Mr. Scully said it is attracting economy as to what it is across the county. Rep. Sands stated that the fiscal note sets the percentage of increases in salary at 4.3% in 1986 and 5.4% in 1987. Mr. Scully said he could only assume they have included longevity in it. Rep. Sands then asked what the longevity plan is, to which he was answered 1% per year. There is a bill dealing with longevity plan.

Rep. Kadas asked John Scully if the CPI increase is figures on the base, and his answer was the inflation increases apply to everything increasing rent and lease prices and does continue to accumulate. Rep. Kadas then asked if the affect is to raise the base. Mr. Scully answered that the affect is not to raise the base, but it is trying to keep up with what \$5 bought a year ago.

Rep. Wallin stated that the impact to the state is quite a bit. Rep. Brown said there are a number of county officials getting their money from the state.

Gregg Groepper, Department of Revenue, was unable to be present to testify. However, he presented written testimony as exhibit 2.

Being no further discussion, HB 614 was closed.

CONSIDERATION OF HOUSE BILL NO. 457: Rep. Nathe of District #19, sponsored this bill, which is explained by the title: AN ACT PROVIDING THAT AN UNDERSHERIFF WHO WAS PREVIOUSLY A DEPUTY MUST RETURN TO OTHER DUTIES IN THE SHERIFF'S DEPARTMENT UPON HIS REPLACEMENT BY ANOTHER AS UNDERSHERIFF. What this amounts to is that in all counties where a sheriff is elected, he must appoint an undersheriff.

PROPONENTS: John Scully, representing the Sheriff and Peace Officers Association, stated the problem is simple. If a deputy sheriff is growing professionally and has more confidence than when the sheriff was elected four years previously, when the deputy sheriff is removed he may be able to be returned to his previous job so that they do not lose him.

John Onstad, also representing the Sheriff and Peace Officers Association, said he is facing this problem this year in Gallatin county. Passing this bill gives him the opportunity to appoint the best person for this job.

Gordon Morris, Montana Association of Counties, said he would like the committee's consideration of the bill, with one slight amendment. On line 15 it refers to counties of the seventh and eighth classes. There are no eighth classes in Montana.

There were no opponents to HB 457.

DISCUSSION OF HOUSE BILL NO. 457: Rep. Sands asked the Gallatin county sheriff if the undersheriff receives more money than the deputy sheriff, would he go back to the level he had before if he goes to a deputy sheriff, and the answer was yes.

Rep. Nathe closed by saying that it would be okay with him if this were added to the bill. Being no further discussion, HB 457 was closed.

CONSIDERATION OF HOUSE BILL NO. 505: Rep. Nathen, sponsor of HB 505, appeared before the committee to present it. This bill is to correct a problem that was caused by an inversion of words. On line 14, there are no second and third class towns, only cities.

PROPONENTS: Alec Hansen, League of Cities and Towns, said this is the simplest annexation bill this committee has had. It moves "towns" six spaces to the left. We are not trying to change the process, but are only trying to clarify so that towns are identified separately.

Gary Spaeth, representative from House District #84, said he is a proponent, and in his other capacity he is an attorney, and felt the only thing to do is to adopt this bill.

There were no opponents present to HB 505.

There being no further discussion from the committee, Rep. Nathe closed his presentation.

CONSIDERATION OF HOUSE BILL NO. 255: Gary Spaeth of District #84, appeared before the committee as sponsor of HB 255. He said this bill is introduced at the request of the Welfare Administration of Carbon county. In Carbon county, if a person uses his own vehicle for county business, it has

Rep. Sands said it expands the authority of the county commissioners to pass criminal laws, and this is quite a broad expansion of authority.

Rep. Sales' motion of DO PASS HB 683 was voted on, with five in favor, and 9 opposed. Motion FAILED to get a recommendation from the committee, so HB 683 was reported out of the committee with a DO NOT PASS.

DISPOSITION OF HOUSE BILL NO. 457: Rep. Kadas moved DO PASS HB 457, and this was seconded by Rep. Brown. Rep. Sands moved to amend, and this was seconded by Rep. Sales. Lee Heiman explained the amendment. Motion to amend CARRIED with Rep. Switzer voting no.

Rep. Brown moved that HB 457 DO PASS AS AMENDED, and this was seconded by Rep. Fritz. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 328: Rep. Brown moved to DO PASS, and this was seconded by Rep. Kadas. Rep. Kitselman moved to amend page 4, line 2, and said Lee Heiman has the amendments, which he explained. Rep. Gilbert seconded the motion to amend.

Rep. Hansen moved to DO PASS AS AMENDED HB 328, seconded by Rep. Sands. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 465: Rep. Hansen moved to DO PASS and this was seconded by Rep. Brown. Rep. Kadas moved to DO PASS the amendment and Statement of Intent, seconded by Rep. Brown.

Rep. Hansen explained the Statement of Intent.

Rep. Sales asked who is going to come out from the county to say what a person dumps on his property. Rep. Hansen responded by saying she didn't think anyone would do that, but only to look for what you might have on the land. If the owner wants to bury waste, he should go to the county to tell them.

Rep. Brown asked Rep. Hansen what the definition of solid waste disposal sites is, and are old pieces of farm machines included. Rep. Hansen replied from the codes that disposal means anything deposited under ground, not into a river. Rep. Brown asked if it said covered, and Rep. Hansen replied "any solid waste into or onto the land". Rep. Hansen said the real intent of the bill from the point of the county commissioners and the sanitation department is to just keep track of the site. She did say she has a little trouble with the title and that is the reason for the intent.

The motion to amend and Statement of Intent CARRIED, with Rep. Switzer, Rep. Sales, Rep. Poff and Rep. Brandewie vot-

STANDING COMMITTEE REPORT

February 3, 1925

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 457

FIRST reading copy (WHITE color)

UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTIES
WHEN SUCCESSOR NAMED.

Respectfully report as follows: That HOUSE Bill No. 457

BE AMENDED AS FOLLOWS:

1. Title, line 7.

Following: "UNDERSHERIFF;"

Insert: "AND PROVIDING FOR THE SALARY OF SUCH
RETURNING DEPUTY;"

2. Page 1, line 23.

Following: "undersheriff;"

Insert: "Upon the return to the position of deputy sheriff,
such person shall be paid the same salary he would have
received had he not taken the undersheriff position."

AND AS AMENDED,

DO PASS

JW 2/11

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 23, 1985

The twenty-sixth meeting of the Local Government Committee was called to order at 12:30 p.m. on March 23, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: Senators Crippen and Pinsoneault were excused. All other members were present.

CONSIDERATION OF HOUSE BILL 457: Representative Dennis Nathe, District #19, is the sponsor of this bill. The bill was introduced to provide that an undersheriff who was previously a deputy must return to other duties in the sheriff's department upon his replacement by another as undersheriff and providing for the salary of such returning deputy.

PROPOSERS

John Scully, representing the Montana Sheriffs and Peace Officers Association, spoke in favor of the bill. He said deputies have a reluctance to become undersheriffs because they know they may be out of a job after the next election. The newly elected sheriff may appoint a new undersheriff. This bill would guarantee the previous undersheriff a job if they choose to go back to other duties.

Carl Smith, Gallatin County Undersheriff, spoke in favor of the bill. He said the bill would give undersheriffs some security. The bill would enhance dedicated officers to compete for the position rather than shy away from it.

OPPOSERS

There were no opposers to HB 457.

Chairman Fuller opened the hearing for Committee questions.

Senator Fuller asked about the language "must" in the bill. He asked what would happen if an undersheriff did not want to go back to other job duties. Mr. Scully said the person could merely resign in that case.

The hearing was closed on HB 457.

ACTION TAKEN ON HOUSE BILL 457: Senator Story moved that HB 457 BE CONCURRED IN. The motion passed unanimously. Senator Fuller will carry the bill.

STANDING COMMITTEE REPORT

MARCH 25

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

HOUSE BILL

457

having had under consideration..... No.....

THIRD

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(FULLER WILL CARRY)

color

UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTIES WHEN
SUCCESSOR NAMED

HOUSE BILL

457

Respectfully report as follows: That..... No.....

HE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.